



D-2935-CON2

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#4/30
10-17-01
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In the application of:)
Aoki et al.)
Serial No. 09/845,512)
Filed: 04/30/01)
For: TREATMENT OF NEUROMUSCULAR)
DISORDERS AND CONDITIONS WITH)
DIFFERENT BOTULINUM SEROTYPE)

Group Art Unit: 1646
Examiner: N/A

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231
on September 26, 2001.

Jean F. Heuler

Jean F. Heuler
September 26, 2001

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(b)(3) AND 1.98(d)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicant wishes to call to the attention of the Examiner the documents cited on the accompanying Form PTO-1449. The instant application is a continuation application of U.S. Serial No. 08/075,048, which is relied on for an earlier effective filing date under 35 U.S.C. 120. Pursuant to 37 CFR 1.98(d), copies of the

references cited on the enclosed form-1449 that were cited in the parent application are not required because they were previously submitted in the parent application, U.S. Serial No. 08/075,048. The remaining cited documents are enclosed herewith.

In addition, pursuant to 37 CFR § 1.98, Applicant wishes to call the attention of the Examiner to two currently pending applications that also claim priority to U.S. Serial No. 08/075,048. These two applications are U.S. Serial Nos. 09/636,501 and 09/812,113.

No concession is made that these documents are prior art, and applicant expressly reserves the right to antedate the documents as may be appropriate. Applicant requests that each of these documents be made of record in the above-identified application.

Respectfully submitted,



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Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)Docket Number **D2935-CON2**Application Number **09/845,512**Applicant **Aoki et al.**Filing Date **4/30/01**Group Art Unit **1646****U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,373,454	4/1945	Bunny et al.	167	78	
	2,719,102	9/1955	Baldwin	167	78	
	3,132,995	5/1964	Berger et al.	167	78	
	4,713,240	12/1987	Wilkins et al.	424	92	
	4,932,936	6/1990	Dykstra et al.	604	51	
	5,055,291	10/1991	Lam et al.	424	85.91	
	5,055,302	10/1991	Laties et al.	424	427	
	5,053,005	10/1991	Borodic	604	51	
	5,183,462	2/1993	Borodic	604	51	
	5,298,019	3/29/1994	Borodic			
	5,401,243	3/28/1995	Borodic			
	5,696,077	12/9/97	Johnson et al.			
	09/812,113	17006CON1	Aoki et al.			3/15/2001
	09/636,501	17006CIP	Aoki et al.			8/20/2000

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 93/05,800	4/1993	WO				
	WO 94/00,481	1/6/1994	WO				
	WO 95/17904	7/6/1995	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

aa	Schantz et al. (1992) Microbiological Review, 56(1):pp 80-99.
ab	Hambleton (1992) Journal of Neurology, 239(1):16-20.
ac	Ludlow et al. (1992) The New England Journal of Medicine 326(5):349-350.
ad	Greene et al. (1993) Movement Disorders 8(4): 479-483.
ae	Jankovic et al. (1991) The New England Journal of Medicine 324(17):1186-1194.
af	Sintkowski et al. (1993) Ophthalmology 100:1861-1866.
ag	Simpson et al. (1981) Pharmacol. Rev. 33(3):155-188.
ah	Blasl et al. (1993) Nature 365:160-163.

EXAMINER**DATE CONSIDERED**



Form PTO-1449		Docket Number D2935-CON2		Application Number 09/845,512	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant Aoki et al.			
		Filing Date 4/30/01		Group Art Unit 1646	
U. S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
ai	Brin (1991) Arch De Neurobiol 54, Supl 3:7-23. ♣				
aj	Dasgupta, Botulinum Neurotoxin and Tetanus Toxin; Edited by Simpson, Lance; 53-67. ♣				
ak	Gjerstad et al. (1991) Tidsskr Nor Laegeforen nr 111:2637-9. (Translation submitted). ♣				
al	Moyer et al. (1994) Therapy With Botulinum Toxin; Edited by Jankovic et al.; 71-85. ♣				
am	Moyer et al. (1993) Botulinum and Tetanus Neurotoxins; Edited by Dasgupta; 655-656. ♣				
an	Poewe et al. (1994) Therapy With Botulinum Toxin; Edited by Jankovic et al.; 267-278. ♣				
ao	Schantz et al. (1992) American Society for Microbiology 56:80-99. ♣				
ap	Scott et al. (1988) Movement Disorders 3(4):333-335. ♣				
aq	Simpson (1992) Journal of Voice 6(4):358-364. ♣				
ar	Tsui et al. (1985) Canadian Journal of Neurological Sciences 12(4):314-316. ♣				
as	Tsui et al. (1995) Neurology 45(11):2109-2110. ♣				
at	Tsui et al. (1987) Le Journal Canadien Des Sciences Neurologiques 14(3)Supp:533-535. ♣				
au	Athena files US and Canadian Investigational New Drugs (INDs); Scrip (1992); No. 1724, p.29. ♣				
av	Athena Makes a Wise Move (1992) Medical Advertising News; p. 4. ♣				
aw	Athena Outlines Business Strategy (1992) Marketletter, p N/A. ♣				
ax	Breggin (1992) Controversial Issues in Mental Health; Edited by Stuart A. Kirk et al. p.6. ♣				
ay	18 pages entitled National Institutes of Health Consensus Development Conference Statement; Clinical Use of Botulinum Toxin; with a web address http://www.text.nlm.nih.gov/nih/cdc/www/83txt.html . ♣				
az	6 pages out of 257 entitled U.S. Food and Drug Administration; List of Orphan Designations and Approvals; with a web address http://www.fda.gov/orphan/designat/list.htm (1984-1999). ♣				
ba	Alexander (1999) Clinical Psychopharmacology Seminar; 1-18. ♣				
bb	Aoki (1999) European Journal of Neurology; 6(Suppl. 4):S3-S10. ♣				
bc	Aoki et al. (1999) Neurology 52(6 Suppl. 2):A521-2 P06.109. ♣				
bd	Brashear et al. (1999) Neurology 53:1439-1446. ♣				
be	Brin et al. (1999) Neurology 53:1431-1438. ♣				
bf	Carruthers et al. (2000) Dermatol Surg. 26(3):174-176. ♣				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					



Form PTO-1449

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(Use several sheets if necessary)

Applicant **Aoki et al.**

Filing Date 4/30/01

Group Art Unit 1646

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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